

Memorandum of Understanding 2010 - 2011
Attachment A
Procedures for Students Receiving Special Education Services

- I. School districts may expel a student with disabilities only after a duly Constituted Manifestation Determination Review (MDR) is conducted according to the Individuals with Disabilities Education Improvement Act of 2004 (IDEIA) provisions and regulations. DCJJAEP placement may result if:
 - A. The expellable behavior is not a manifestation of the student’s disability;
 - B. The expellable behavior falls within one of the special circumstances recognized by the IDEA (drugs, weapons, or serious bodily injury); or
 - C. The expellable behavior is a manifestation of the student’s disability but the parent and the sending school district agree to a change of placement to the JJAEP as part of the modification of the behavior intervention plan. Notwithstanding the foregoing, the parties understand that no child with a disability who receives special education services may be placed in the DCJJAEP for solely educational purposes.

- II. The following procedures shall serve to establish a mechanism whereby DCJJAEP staff can communicate with, and provide input to, the ARD Committee regarding placement and the continuation of special education services to students while at the DCJJAEP.

Nothing in these Procedures shall be construed to relieve the DCJJAEP of its statutory obligations under Texas law to students eligible for special education services under the IDEA. Likewise, nothing in these Procedures shall be construed to create a duty on the participating sending districts to indemnify the DCJJAEP for any failure to provide services that the DCJJAEP is required to provide under this MOU.

- III. DCJJAEP, pursuant to the Memorandum of Understanding Regarding Dallas County Juvenile Justice Alternative Education Program (the “MOU”) as it may be modified from time to time and IDEIA, shall provide special education instructional services a full continuum of arrangements, as specified in the student’s IEP. The services shall enable the student to continue to participate in the general education curriculum, to the greatest extent appropriate although in another setting, and progress toward meeting the goals set out in the student’s IEP. The student’s IEP will include, as appropriate, a functional behavioral assessment, behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.
 - A. The sending school district will be responsible for the provision of any related services as specified in the student’s IEP.
 - B. The sending school district will conduct any required evaluation or re-evaluation.

- IV. Upon enrollment of a student who receives special education services, the DCJJAEP Special Education Designee will notify the special education administration for the sending school district. The Designee will also notify special education administration when a student who is enrolled at DCJJAEP changes residence into a different school district.

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- V. During the time that the student is placed in the DCJJAEP, the sending school district and DCJJAEP agree as follows:
- A. The DCJJAEP special education teacher will review the IEP and inform the appropriate instructional staff regarding required IEP implementation, including accommodations needed to ensure progress toward the IEP. If a student's needs change, DCJJAEP staff shall notify the sending school district. The sending school district will promptly convene an ARD meeting with the appropriate school district staff and DCJJAEP staff to address the student's needs.
 - B. The DCJJAEP special education teacher shall serve as a consultant to the regular instructional staff regarding implementation of the IEP to the extent this provision is necessary for the implementation of the student's IEP and in compliance with IDEIA 2004 statutory requirements.
 - C. The sending school district is responsible for periodic monitoring of students' performance at DCJJAEP.
 - 1. Parents of students who receive special education services must receive progress reports at least as often as parents of regular education students. Such progress report must be based on progress on IEP goals and objectives.
 - 2. The DCJJAEP special education teacher shall assist in monitoring and documenting the progress of students who receive special education services. DCJJAEP will provide the sending school district with information pertaining to each student's progress. This shall be a copy of the LEA's designated reporting period (6 or 9 weeks) IEP progress report sent to parents by DCJJAEP.
- VI. The DCJJAEP Special Education Designee shall notify the special education administration of the sending school district at least three weeks prior to the return of a student to the district. The sending school district shall convene an ARD committee meeting with DCJJAEP general and special education staff to consider exit and transition to the sending school district. The DCJJAEP shall provide to the ARD committee:
- 1. Present level of academic achievement and functional performance
 - 2. Updated goals and objectives
 - 3. Proposed goals and objectives
 - 4. Student's current report card and transcript
 - 5. Summary of successful behavioral interventions
- VII. DCJJAEP administration shall ensure, and document, that all staff are trained annually and adhere to legal requirements of confidentiality.
- DCJJAEP administrators shall ensure and document that all staff are trained annually and adhere to IDEIA requirements and state regulations.